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15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA

17 KAREN SUTHERLAND, et al.

18 Plaintiffs,  
19 vs.

20 CITY OF STOCKTON, et al.

21 Defendants.  
22  
23  
24

Case No.: 2:21-cv-01855-WBS-AC

STIPULATION THAT PLAINTIFFS  
WILL NOT USE ANY TESTIMONY  
FROM PLAINTIFFS S.A.S., JR., OR  
D.J.S.;  
ORDER

1 All Plaintiffs and All Defendants, all through their undersigned counsel of record,  
2 stipulate as follows:

3 RECITALS

4 A. On October 4, 2021, Plaintiffs filed this lawsuit. Plaintiffs are suing under  
5 42 U.S.C. Section 1983 regarding the death of Shayne Allen Sutherland ("Decedent").

6 B. Plaintiffs S.A.S., JR., and D.J.S. are two of the Plaintiffs; each is a minor  
7 child of the Decedent (aged 8 and 6, respectively), represented through their mother,  
8 Guardian Ad Litem Erica Belatti (the "Minors").

9 C. On August 7, 2023, Defendants' counsel noticed the Minors' depositions  
10 for September 28, 2023.

11 D. On September 5, 2023, counsel for the parties met and conferred about  
12 the Minors' depositions. As a result of the meet and confer, counsel agreed as follows:  
13 (i) neither of the Minors will testify and Plaintiffs will not offer any testimony from either  
14 of the Minors, and (ii) in exchange, Defendants have canceled the scheduled  
15 depositions of the Minors.

16 E. The parties enter into this stipulation to formally document this agreement  
17 and to obtain a Court order as to it.

18 STIPULATION

19 1. Plaintiffs will not offer any testimony from either of the Minors and neither  
20 of the Minors will testify in this case, whether verbally or through a declaration, at trial,  
21 or in connection with any motion.

22 2. Defendants will depose Erica Belatti, the Minors' GAL, whom Plaintiffs and  
23 their counsel have agreed to produce for deposition without the need for Defendants to  
24 serve her with a deposition subpoena. If Defendants or their counsel determine there is  
25 information necessary to Defendants' case that needs to be obtained from the Minors,  
26 counsel will meet and confer in good faith about such need, and will work to craft  
27 reasonable safeguards for deposing the Minors, such as the possibility of limiting the  
28

length of their depositions, breaking their depositions up over the course of multiple days, and choosing a comfortable location for their depositions and/or taking their depositions through remote means.

Dated: November 6, 2023

HERUM CRABTREE SUNTAG, LLP

By: /s/ Joshua J. Stevens

DANA A. SUNTAG  
JOSHUA J. STEVENS  
Attorneys for all Defendants

Dated November 6, 2023

V. JAMES DESIMONE LAW

By: /s/ V. James DeSimone

V. JAMES DESIMONE  
RYANN E. HALL  
JENICA P. LEONARD  
Attorneys for all Plaintiffs

**ORDER**

The Court, having considered the stipulation, and finding good cause, rules as follows:

1. Plaintiffs shall not offer any testimony from either of the Minors and neither of the Minors will testify in this case, whether verbally or through a declaration, at trial, or in connection with any motion.

2. Defendants will not take the depositions of the Minor Plaintiffs absent a good faith need to do so, and will meet and confer with Plaintiffs' counsel before noticing any depositions of the Minors and will work together to craft appropriate safeguards for deposing the Minors.

**IT IS SO ORDERED.**

Dated: November 7, 2023



**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**